

# EXHIBIT D

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MIDLAND

IN THE MATTER OF:  
WIXOM LAKE, SANFORD LAKE,  
SMALLWOOD LAKE and SECORD  
LAKE,

MIDLAND COUNTY and  
GLADWIN COUNTY,

Petitioners.

Case No. 19-5980-PZ<sup>1</sup>

Hon. Stephen P. Carras

A TRUE COPY  
*Ann Manary*  
ANN MANARY  
MIDLAND COUNTY CLERK &  
CLERK OF THE 42<sup>nd</sup> CIRCUIT COURT

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<sup>1</sup> Pursuant to State Court Administrator's Order dated March 12, 2019, this Court was also assigned to the following matter pending in the Gladwin County Circuit Court; *In the Matter of: Wixom Lake, Sanford Lake, Smallwood Lake and Secord Lake*, Case No. 19-009892-PZ.

**ORDER**  
**SETTING NORMAL LAKE LEVELS FOR SANFORD LAKE, WIXOM LAKE,**  
**SMALLWOOD LAKE AND SECORD LAKE AND**  
**CONFIRMING THE FOUR LAKES SPECIAL ASSESSMENT DISTRICT**  
**BOUNDARIES**

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At a session of said Court held in the City  
of Midland, Midland County, Michigan on

May 28, 2019.

PRESENT: Hon. Stephen P. Carras

**THIS MATTER** having come before the Court pursuant to the Petitions filed by Midland County and Gladwin County pursuant to Part 307 of the Michigan Natural Resources and Environmental Protection Act “Inland Lake Levels”, MCL 324.30701 et seq.; and the Court having reviewed the Petitions and all accompanying documents and evidence, having heard oral arguments on the Petitions, and adopting the same as the Court’s findings of fact, and being otherwise fully advised in premises.

**IT IS HEREBY ORDERED:**

1. The normal summer level for Sanford Lake shall be set at 630.8 NGVD 29 (or 630.2 NAVD 88) and normal winter level for Sanford Lake at 627.8 NGVD 29 (or 627.2 NAVD 88), but subject to the jurisdiction of the Federal Energy Regulatory Commission (“FERC”) and license issued by FERC for the Sanford Lake Dam until such time that the license is revoked or terminated.
2. The normal summer level for Wixom Lake shall be set at 675.8 NGVD 29 (or 675.2 NAVD 88) and normal winter level for Wixom Lake at 672.8 NGVD 29 (or 672.2 NAVD 88) but subject to the jurisdiction of FERC and license issued by FERC for the Edenville Dam for Wixom Lake, if any, and if so, until such time that the license is revoked or terminated.



3. The normal summer level for Smallwood Lake shall be set at 704.8 NGVD 29 (or 704.3 NAVD 88) and normal winter level for Smallwood Lake at 701.8 NGVD 29 (or 701.3 NAVD 88) but subject to the jurisdiction of FERC and license issued by FERC for the Smallwood Lake Dam until such time that the license is revoked or terminated.
4. The normal summer level for Secord Lake shall be set at 750.8 NGVD 29 (or 750.3 NAVD 88) and normal winter level for Secord Lake at 747.8 NGVD 29 (or 747.3 NAVD 88) but subject to the jurisdiction of FERC and license issued by FERC for the Secord Lake Dam until such time that the license is revoked or terminated.
5. Subject to the jurisdiction of FERC or any successor federal agency regulating hydroelectric dam operations, the winter and summer normal levels for Sanford Lake, Wixom Lake, Smallwood Lake and Secord Lake shall be operated as follows:
  - (a) The summer water operation may fluctuate the level(s) of the lakes no more than within 0.3 feet above and 0.4 feet below of the normal legal lake level as set forth in this Order;
  - (b) The winter drawdown level shall be no lower than the specified level in the Order and may vary by +0.7 feet above the specified level for each of the Four Lakes. The discharges for the winter drawdown for each of the Four Lakes may begin December 15 and must be completed by January 15; and,
  - (c) The return to summer operating level is required no later than when the surface water temperature reaches 39 degrees Fahrenheit.

6. That any dam operator shall comply with any provisions of the current FERC licenses for the Sanford, Secord, and Smallwood Dams related to minimum flow rates, water temperature, or dissolved oxygen. These requirements are incorporated into this Order by reference, and shall be continue to be maintained under this Order even if the FERC licenses are surrendered, revoked, or otherwise cease to be effective in the future. In the event that FERC amends any of these provisions, the new amended provision shall be incorporated into this Order.
7. That any dam operator shall comply with any provisions of the most recent FERC license for the Edenville Dam. Despite the fact that this FERC license was recently revoked, these specific provisions are incorporated into this Order by reference, and shall be maintained under this Order.
8. Any permits required by law shall be obtained prior to the commencement of any work necessary to achieve or maintain the lake levels set forth in this Order.

**IT IS FURTHER ORDERED** that the following parcels that were originally included in the proposed Four Lakes Special Assessment District shall be removed from the boundaries of the district:

130-206-000-037-00  
130-206-000-038-00  
130-206-000-039-00  
130-206-000-040-00  
030-014-300-011-00  
130-206-000-079-00  
130-206-000-052-00; and,  
150-021-102-001-00 (Engwis Property)

**IT IS FURTHER ORDERED** that the following parcels shall be included in the proposed Four Lakes Special Assessment District but shall be treated as back lots for assessment

purposes, and further, provided the parcels together have the same owner, the parcels will be assessed as one parcel and not separately assessed:

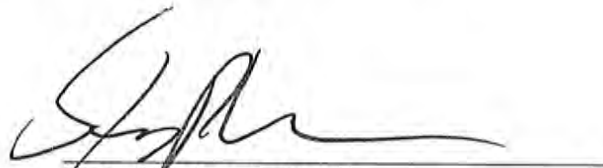
150-072-000-026-00 (Engwis Property)

150-072-000-025-00 (Engwis Property)

**IT IS FURTHER ORDERED** that the Four Lakes Special Assessment District boundaries as revised and set forth in **Exhibit A** to this Order is confirmed.


**IT IS FURTHER ORDERED**, that this Order shall also be entered *In the Matter of: Wixom Lake, Sanford Lake, Smallwood Lake and Secord Lake*, Case No. 19-009892-PZ, pending in the Gladwin County Circuit Court.

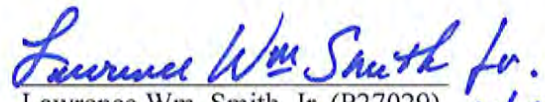
**This is a final order and resolves all pending claims and closes this case.** However, pursuant to MCL 324.30707(5), this Court shall have continuing jurisdiction regarding the normal lake levels of Sanford Lake, Wixom Lake, Smallwood Lake and Secord Lake.

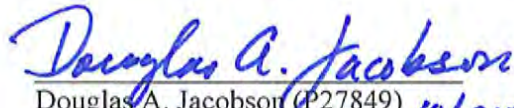
  
Hon. Stephen P. Carras



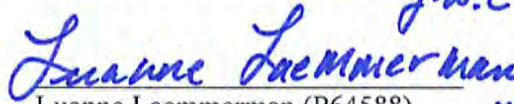
Approved as to form:

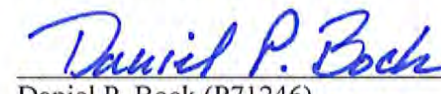
  
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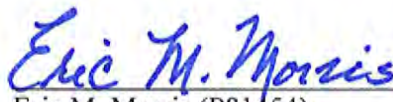
  
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